

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

KEVIN KENNETH BLEACHER,	:	1:10-CV-186
	:	
Plaintiff,	:	
	:	Hon. John E. Jones III
v.	:	
	:	Hon. J. Andrew Smyser
LANCASTER COUNTY PRISON,	:	
LANCASTER COUNTY,	:	
DETECTIVE ANDREW MORGAN,	:	
and UNIDENTIFIED PERSONS,	:	
	:	
Defendants.	:	

**MEMORANDUM**

**February 17, 2010**

**THE BACKGROUND OF THIS MEMORANDUM IS AS FOLLOWS:**

This matter is before the Court on the Report and Recommendation (“R&R”) of Magistrate Judge J. Andrew Smyser (Doc.4), filed on January 27, 2010, which recommends that this action be transferred to the United States District Court for the Eastern District of Pennsylvania. No objections to the R&R have been filed by any party.<sup>1</sup> For the reasons set forth below, the Court will adopt the R&R.

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<sup>1</sup> Objections were due by February 15, 2010.

## **I. STANDARD OF REVIEW**

When, as here, no objections are made to a magistrate judge's report and recommendation, the district court is not statutorily required to review the report before accepting it. Thomas v. Arn, 474 U.S. 140, 149 (1985). According to the Third Circuit, however, "the better practice is to afford some level of review to dispositive legal issues raised by the report." Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987). "[T]he court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b), advisory committee notes; see also Henderson, 812 F.2d at 878-79 (stating "the failure of a party to object to a magistrate's legal conclusions may result in the loss of the right to de novo review in the district court"); Tice v. Wilson, 425 F. Supp. 2d 676, 680 (W.D. Pa. 2006); Cruz v. Chater, 990 F. Supp. 375-78 (M.D. Pa. 1998); Oldrati v. Apfel, 33 F. Supp. 2d 397, 399 (E.D. Pa. 1998). The Court's examination of this case confirms the Magistrate Judge's determinations.

## **II. DISCUSSION**

Plaintiff Kenneth Kevin Bleacher ("Plaintiff") filed this action against Defendants Lancaster County Prison, Lancaster County, Detective Andrew Morgan and Unidentified Persons on January 25, 2010. (Doc. 1). Plaintiff also filed a Motion for Leave to Proceed *in forma pauperis*. (Doc. 2).

Plaintiff alleges that he was wrongfully arrested by Detective Morgan due to an unconstitutional policy or practice of the Lancaster County Prison. Plaintiff asserts that he will detail the alleged violation in an Amended Complaint.

Citing 28 U.S.C. § 1391(b), Magistrate Judge recommends that this action be transferred to the Eastern District of Pennsylvania inasmuch as the Plaintiff's complaint concerns events that occurred in Lancaster County, which is located in the Eastern District. Magistrate Judge Smyser further notes that the Plaintiff has alleged no facts that would lay venue in the Middle District of Pennsylvania. Thus, the Magistrate Judge recommends transfer pursuant to 28 U.S.C. § 1406(a).

As we have already mentioned, neither Defendants nor Plaintiff have filed objections to this R&R. Because we agree with the sound reasoning that led the Magistrate Judge to the conclusions in the R&R, we will adopt the R&R in its entirety. With a mind towards conserving judicial resources, we will not rehash the reasoning of the Magistrate Judge; rather, we will attach a copy of the R&R to this document, as it accurately reflects our consideration and resolution of the case sub judice. An appropriate Order shall issue.